

REMARKS

Claims 1-10 and 12-20 are pending in this application. Claim 1 has been amended. Claims 9, 10 and 12 -18 have been allowed. No new matter has been added and reconsideration of the application is respectfully requested.

Claim Rejections Under 35 U.S.C. Section 102

Claims 1-4, and 8 stand rejected under 35 U.S.C. §102(b) as being anticipated by US Patent 5,748,568 to Harrison (Harrison '568).

Under 35 U.S.C. § 102(b), "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" (MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). Accordingly, Harrison must disclose each and every element of the claimed invention.

Claim 1 of the present application has been amended to further distinguish the present invention from Harrison. Unlike the Harrison display face that uses a numeric indicator of the current hour, and color (shading) merely to distinguish the background of the display face from the foreground of the display face to assist the graphic display of passing minutes, the present invention is directed to a time piece that correlates specific colors with specific predetermined measurements of time. Accordingly, Harrison does not disclose or suggest a time piece as claimed in amended claim 1. Therefore the rejection of independent claim 1 and its dependent claims 2-4 and 8 should be withdrawn.

Claims 19 and 20 stand rejected under 35 CFR 102(b) as being anticipated by Kuehnhanss. Accordingly, Kuehnhanss must disclose each and every element of the claimed invention.

The Kuehnhanss device however, does not correlate color to current or consecutive predetermined measurements of time as in claims 19 and 20 the present application. Rather, Kuehnhanss specifies only that "The main surface represents a complete time cycle, e.g. a day, and the indicator is superimposed on it. The indicator maybe brighter than, or a different colour

to the main surface, and shows the actual time" (ref. Kuehnhanss Abstract). Thus, in the Kuehnhanss device, differing brightness, or different colour, is only utilized as a method to differentiate the indicator from the main surface.

The present invention claims "A method of telling time comprising: assigning a different color to a predetermined measurement of time; displaying on a face of a timepiece a first color corresponding to a current predetermined measurement of time and a second color corresponding to a consecutive predetermined measurement of time, wherein each of the colors are displayed in a continuous loop representing the predetermined measurements of time that elapse in the day; and filling the face of the timepiece with the second color as an interval of time elapses" (claim 19) and "The method according to claim 19, wherein the predetermined measurement of time corresponds to each of the hours in a day and the interval of time corresponds to the minutes in an hour" (claim 20). Thus, a maximum of 2 colors, representing the current and consecutive hours, can be displayed on the face of the timepiece at any given time.

Graphically, the Kuehnhanss timepiece is comprised of 3 concentric rings: the innermost ring *simultaneously* displaying up to 12 hours; the middle ring displaying up to 60 minutes, and the outermost ring displaying up to 60 seconds. Graphically, each ring functions independently of the others, and none of the rings utilize color specifically to represent predetermined measurements of time. Again, color is only utilized to differentiate the indicator from the main surface.

It is clear then that in their respective methods of displaying time, to include use of color, the respective timepieces invented by Lang and Kuehnhanss represent two different and unrelated systems. Accordingly, Kuehnhanss does not disclose each and every element of the claimed invention, therefore the applicant respectfully requests withdrawal of the rejection of claims 19 and 20 under 35 USC 102(b).

Claim Rejections Under 35 U.S.C. Section 103

The Examiner rejects claims 5 and 7 under 35 U.S.C. §103(a) as being unpatentable over Harrison '568 in view of US Pub 2003/0193842 to Harrison (Harrison '842).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or to combine the reference

teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references, when combined, must teach or suggest all of the claim limitations. (MPEP 2142).

Harrison '568 discloses a time piece wherein the display face shows a numeric indicator of the current hour and the passage of minutes through shading the background of elapse time in a color distinct from the rest of the face display.

Harrison '842 however, discloses a variety of time pieces having a traditional minute hand, or a traditional digital time display. Although color is used to accent the face display, Harrison does not disclose or suggest the use of color alone to depict the passage of time in both hours and minutes as in the present invention.

Neither Harrison '568 nor Harrison '842 disclose nor suggest the use of a "first color on the face corresponding to a current predetermined measurement of time and a second color on the face corresponding to a consecutive predetermined measurement of time, wherein the second color fills the face clockwise as an interval of time elapses, wherein each color defines a predetermined measurement of time." as recited in amended independent claim 1 either alone or in combination. Accordingly, dependent claims 5 and 7 are not unpatentable over Harrison '568 in view of US Pub 2003/0193842 to Harrison (Harrison '842) and the applicant respectfully requests withdrawal of this rejection.

Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Harrison '568 in view of US Patent 4,206,592 to Maue.

As stated in the previous section, [t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references, when combined, must teach or suggest all of the claim limitations. (MPEP 2142).

Harrison '568 discloses a time piece wherein the display face shows a numeric indicator of the current hour and the passage of minutes through shading the background of elapse time in a color distinct from the rest of the face display.

Maue discloses a time piece having a traditional twelve hour face display wherein a fixed color band fills in the space between each numeric indicator.

Neither Harrison'568 nor Maue disclose or suggest, either alone or in combination, a timepiece in which "first color on the face corresponding to a current predetermined measurement of time and a second color on the face corresponding to a consecutive predetermined measurement of time, wherein the second color fills the face clockwise as an interval of time elapses, wherein each color defines a predetermined measurement of time." Accordingly, dependent claim 6 is not unpatentable over Harrison '568 in view of US Patent 4,206,592 to Maue and the applicant respectfully requests withdrawal of this rejection.

Conclusion

Applicant respectfully asserts that all claims are now in condition for allowance, and a Notice of Allowance is earnestly solicited.

The Examiner is invited to contact the undersigned at the telephone number appearing below should the Examiner have any questions regarding the prosecution of this application.

Respectfully submitted,

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